

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1202 of 2006
In
Criminal Appeal No.42 of 2005

Mr.Kausar Hajrat Dafadar	Applicant
Vs.	
State of Maharashtra	Respondent

Mr.S.A.Shaikh for applicant.
Mrs.U.V.Kejriwal, APP for State.

CORAM: B.H.MARLAPALLE & R.S. MOHITE, JJ.

February 05, 2007.

P.C.

. Heard Mr.Shaikh, the learned counsel for the applicant - accused no.4. In Sessions Case No.261 of 2003 the 2nd Ad-hoc Addl. Sessions Judge at Thane was pleased to convict and sentence all the four accused for the offences punishable under Sections 302, 342, 363,, 365 and 376 as well as Section 506 read with Section 34 of IPC as well as Rule 6-A of the Passport (Entry into India) Rules, 1950 vide his judgment and order dated 27/10/2004. Criminal Appeal No.42 of 2005 filed by all the four accused challenging the said order of conviction and sentence has been admitted by this Court on 25/1/2005 and hence this application for bail by accused no.4.

. It was submitted by the learned counsel for

the applicant that the accused no.4 could not be identified in the TI parade and his arrest also could not be proved. It is prima facie noticed from the order of conviction and sentence that the applicant - accused no.4 was identified by both the witnesses i.e. Sajan Shaikh and Beauty Sajan Shaikh. Hence, we are satisfied that there is no case made out for releasing accused on bail specially when all the four accused have been held to be the illegal immigrants in the Indian territories.

. The application is, therefore, rejected.

. The learned counsel for the applicant undertakes to submit the paper-book within a period of eight weeks from today and the same shall be verified by the Registry on the basis of R. & P. which has been received. In that case list the Criminal Appeal No.42 of 2005 for final hearing in the week beginning from 9th April 2007.

(R.S.MOHITE,J.)

(B.H.MARLAPALLE,J.)